

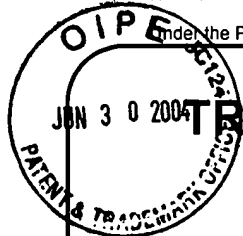
07-02-04

PAW 28774  
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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031  
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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Application Number	09/458,123
Filing Date	December 8, 1999
First Inventor	Blaine R. Spady
Confirmation No.	8470
Group Art Unit	2877
Examiner Name	Gordon Stock
Attorney Docket No.	NAN035 US

Total Number Of Pages In This Submission

7

## ENCLOSURES (check all that apply)

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)              | <input type="checkbox"/> Assignment Papers (for an Application)   | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Fee Attached -- Credit Card Payment Form (1 pg)  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Reply   | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations                                     | <input type="checkbox"/> Petition to Convert to a Provisional Application                                     | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                                   | <input type="checkbox"/> Power of Attorney, Revocation of Previous Powers; And Statement Under 37 CFR 3.73(b) | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                                 | <input type="checkbox"/> Terminal Disclaimer  | RETURN RECEIPT POSTCARD  |
| <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages)       | <input type="checkbox"/> Request for Refund   | PTO Form 1449 (2 pages)  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                      | <input type="checkbox"/> CD, Number of CD(s) _____  | Copies of eleven (22)  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application (2 pages) | Remarks   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53         |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm  
or  
Individual NameMichael J. Halbert (Reg. No. 41,633)  
Silicon Valley Patent Group LLP  
2350 Mission College Boulevard, Suite 360  
Santa Clara, California 95054

Signature

Michael J. Halbert

Date

6-30-04

VIA EXPRESS MAIL RECEIPT NO.: EV 450 194 662 US

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Arlington, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.



# FEE TRANSMITTAL FOR FY 2004

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)**180.00**

## Complete if Known

Application Number	09/458,123
Filing Date	December 8, 1999
First Named Inventor	Blaine R. Spady
Group Art Unit	2877
Examiner Name	Gordon Stock
Attorney Docket No	NAN035 US

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge any underpayment and credit any overpayments to:
- Deposit Account Number **50-2263**
- Deposit Account Name **Silicon Valley Patent Group LLP**
- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
- ☐ Check ☒ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)**0.00**

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid	
- **	X	18	= \$	
Independent Claims	- **	X	86	= \$
Multiple Dependent	0	140	= \$0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claims, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0.00**

\*\* or number previously paid, if greater; For reissues, see above.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee for provisional applications	
1806	180	1806	180	Submission of Information Disclosure Statement	180
8021	40	8021	40	Recording each patent assignment per properties (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

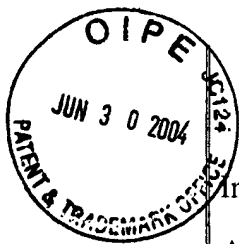
\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**180.00**

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Michael J. Halbert	Registration No. (Attorney/Agent)	40,633	Telephone	(408) 982-8200 ext. 2
Signature				Date	June 30, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Blaine R. Spady; John D. Heaton  
Assignee: Nanometrics Incorporated  
Title: Metrology/Inspection Positioning System  
Serial No.: 09/458,123 Filing Date: December 8, 1999  
Examiner: Gordon Stock Group Art Unit: 2877  
Docket No.: NAN035 US Confirmation No: 8470

Santa Clara, California  
June 30, 2004

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(c)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, §1.97 and §1.98, the Applicants submit for consideration in the above-identified patent application the document listed on the accompanying Form PTO-1449. Copies of the documents are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted pursuant to 37 CFR §1.97(c) as it is after receipt of a first Office Action on the merits but before mailing of a final Action or Notice of Allowance. Accordingly, a fee is required pursuant to 37 CFR §1.17(p). A Fee Transmittal form (PTO/SB/17) is attached to this submission.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not

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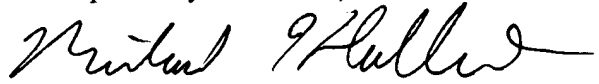
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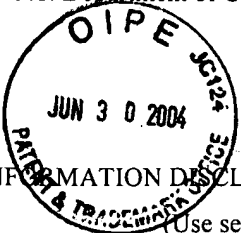
exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

**Via Express Mail Label No.  
EV 450 194 662 US**

Respectfully submitted,

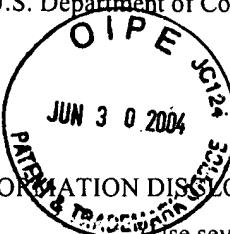


Michael J. Halbert  
Attorney for Applicants  
Reg. No. 40,633

U.S. Department of Commerce, Patent and Trademark Office  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Application No.:	09/458,123
	Filing Date:	December 8, 1999
	First Named Inventor:	Blaine R. Spady
	Group Art Unit:	2877
	Examiner Name:	Gordon Stock
	Confirmation No.:	8470
	Attorney Docket No.:	NAN035 US

U.S. Patent Documents								
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate	
	16.	4,832,474	05/23/1989	Yoshinaga et al.	350	529		
	17.	4,744,642	05/17/1988	Yoshinaga et al.	350	518		
	18.	4,107,527	08/15/1978	Cherepin et al.	250	309		
	19.	4,202,037	05/06/1980	Glaser et al.	364	518		
	20.	4,593,406	06/03/1986	Stone	382	44		
	21.	5,124,726	07/07/1992	Moran	356	237		
	22.	5,159,412	10/27/1992	Willenborg et al.	356	445		
	23.	5,210,410	05/11/1993	Barrett	250	234		
	24.	5,532,874	07/02/1996	Stein	359	394		
	25.	5,597,590	01/28/1997	Tanimoto et al.	425	174.4		
	26.	5,981,937	11/09/1999	Denaro	250	216		
Foreign Patent Documents								
							Translation	
		Document	Date	Country	Class	Subclass	Yes	No
	27.	WO 92/04620	3/19/1992	PCT	G01N23	04		
	28.	WO 96/27786	09/12/1996	PCT	G01N21	88		
	29.	WO 97/17639	05/15/1997	PCT	G05B19	42		
Other Art (Including Author, Title, Date, Pertinent Pages, Etc.)								
	30.	R. C. Gonzales and R.E. Woods, "Digital Image Processing", 1992, pp 6-17						
	31.	MEDIA CYBERNETICS, Image-Pro Plus <sup>TM</sup> (1993), 6 pages						
	32.	MATROX ELECTRONIC SYSTEMS, LTD., Matrox ITOOLS (Jan. 1993), pp 1-5						
	33.	Matrox Genesis PCI Image Processor, "Technical Brief" (Oct. 1, 1996), pp 1-15						
	34.	MATROX ELECTRONIC SYSTEMS, LTD, Matrox Genesis (Oct. 1, 1996), 6 pages						

Examiner:	Date Considered:
* Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication with applicant.	

U.S. Department of Commerce, Patent and Trademark Office  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Application No.:	09/458,123
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	Examiner Name:	Gordon Stock
	Confirmation No.:	8470
	Attorney Docket No.:	NAN035 US

	35.	MATROX ELECTRONIC SYSTEMS, LTD, Matrox Imaging Library (MIL) (Feb. 23, 1996) pp. 4
	36.	MATROX ELECTRONIC SYSTEMS, LTD, Matrox Imaging Library Version 4.0 (Nov. 1, 1996), 7 pages
	37.	PROMETRIX, FT-700TM, Film thickness Probe with StatTrax® version 6.0, "User's Guide" (July 1993), 11 pages

Examiner:	Date Considered:
* Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication with applicant.	